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OFFICE OF THE DIRECTOR
GROUP

In re Application of:
Kado *et al.*
Application No. 09/934,095
Filed: August 21, 2001
Attorney Docket No. NAK1-BN30a

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102, filed August 21, 2001, to make the above-identified application special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item VIII: Accelerated Examination.

The petition is **dismissed**.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P., Section 708.02, Item VIII, must be accompanied by (a) the required petition fee set forth in 37 C.F.R. § 1.17(h), (b) a statement that all claims are directed a single invention or in the event that the United States Patent and Trademark Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.

In this case, the petition does not fully comply with items (c) and (d) above. Specifically, petitioner states that an International Search Report (ISR) and the cited references accompanied the petition. However, an inspection of the application file and the petition papers did not produce copies of the ISR and cited references. While a search by a foreign patent office will generally satisfy the requirement of item (c), a copy of the foreign search report is necessary to support petitioner's statement. In the absence of copies of the ISR and cited references, the petition cannot be accepted to satisfy the requirements of items (c) and (d). Consequently, the

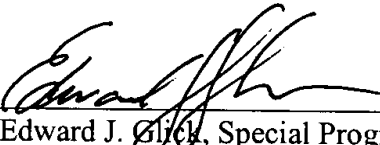
petition is **dismissed**.

Should petitioner desire reconsideration, petitioner should file a renewed petition providing the information required by items (c) and (d) above. No further petition fee is required.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.

The application is being forwarded to the group Central File and will await action in its regular turn.

Inquires regarding this decision should be directed to Ed Glick at (703) 308-4858.



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